



# **Iowa Homeland Security and Emergency Management Division**

**J. Derek Hill, Administrator**

## **Public Assistance Applicant Briefing**

# **DR-1998-IA**

# Public Assistance **DR-1998-IA**

**Event Type:** Flooding

**Incident Period:** May 25<sup>th</sup> and Continuing

**Declaration Date:** June 27<sup>th</sup>, 2011

**Declared Counties:** Fremont, Harrison, Mills, Monona, Pottawattamie, Woodbury



# People of Interest

**Governor's Authorized Representative:** J. Derek Hill

**Federal Coordinating Officer:** Michael R. Scott

**State Coordinating Officer:** Patrick J. Hall

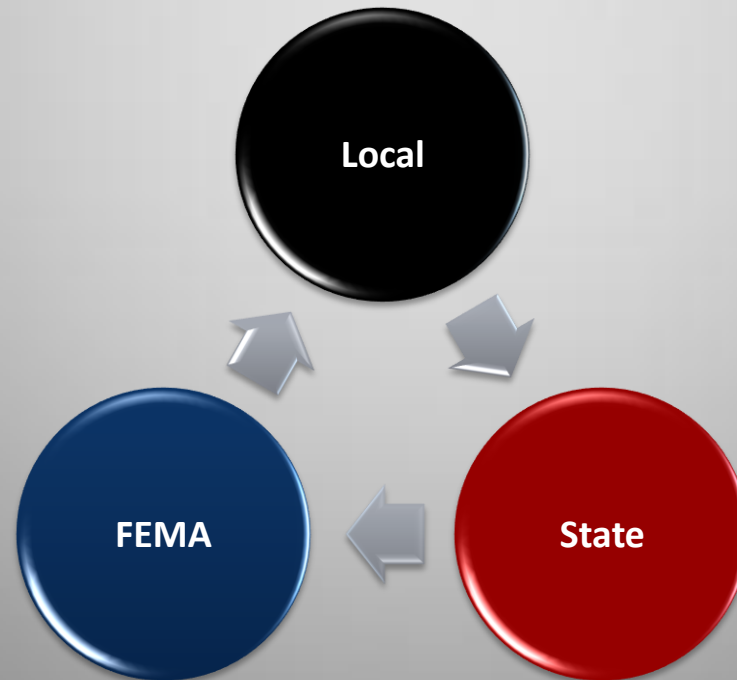
**FEMA Public Assistance Group Supervisor:** Gene Morgan

**State Public Assistance Officer:** Dennis T. Harper

**State Public Assistance Coordinator(s):** James Wiese (Fremont, Harrison, Mills, Monona, Pottawattamie), Scott Stanley (Woodbury)

# Public Assistance Program

Provides supplemental assistance to state and local governments and certain private non-profit organizations for response and recovery in a Presidentially declared disaster or emergency.

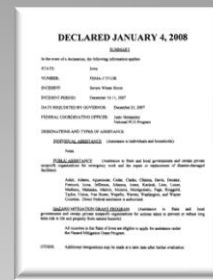




**Disaster Strikes**



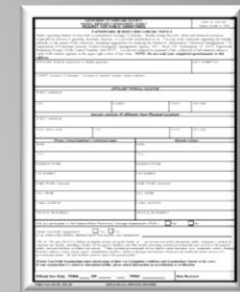
**Preliminary Damage Assessment (PDA)**



**Declaration**



**Applicant Briefing**



**Request for Public Assistance (RPA)**



**Kickoff Meeting**



**Project Worksheet Formulation**



**Project Worksheet Review by Local, State and FEMA**



**Project Obligated – Federal Share Available**



**Project(s) Complete**



**Closeout**



**State Share Paid**



# Applicant Briefing

- Provide information on the Public Assistance (PA) Program
- Review required documentation (found within folder provided)
  - Request for Public Assistance (RPA)
  - Data Universal Number System (DUNS) Number Form
  - State Application for Federal/State Assistance
  - Applicant's Assurances and Certifications
  - Audit Certification
  - Substitute W9/ Vendor Update Form
  - Revenue and Expenditure Account Form
  - **PNPs Only** – IRS Ruling Letter (501C) or, Iowa Secretary of State Ruling

(Funding cannot be released until all of the above “critical documents” are completed and returned to the State)

- Review rules and procedures necessary to obligate funding and make claims for eligible expenses

# Request for Public Assistance

- Notifies FEMA and the State of intent to apply for Public Assistance

- Names the Applicant's Point of Contact (POC)/ Authorized Representative

- Includes full mailing address

- Identifies damage type(s)

- Utilized by FEMA to:

- begin applicant eligibility determinations

- Initiate scheduling of Kickoff Meetings

- Complete and Return, to the State, the Request for Public Assistance (RPA) form following the conclusion of this briefing

- Deadline for submitting RPAs is 30 Days from the date of county declaration

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY REQUEST FOR PUBLIC ASSISTANCE				O.M.B. No. 1660-0017 Expires October 31, 2008	
<b>PAPERWORK BURDEN DISCLOSURE NOTICE</b> Public reporting burden for this form is estimated to average 10 minutes. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, U.S. Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless a valid OMB number appears in the upper right corner of this form. <b>NOTE: Do not send your completed questionnaire to this address.</b>					
APPLICANT (Political subdivision or eligible applicant.)				DATE SUBMITTED	
COUNTY (Location of Damages. If located in multiple counties, please indicate.)					
APPLICANT PHYSICAL LOCATION					
STREET ADDRESS					
CITY		COUNTY		STATE	ZIP CODE
MAILING ADDRESS (If different from Physical Location)					
STREET ADDRESS					
POST OFFICE BOX		CITY		STATE	ZIP CODE
Primary Contact/Applicant's Authorized Agent			Alternate Contact		
NAME			NAME		
TITLE			TITLE		
BUSINESS PHONE			BUSINESS PHONE		
FAX NUMBER			FAX NUMBER		
HOME PHONE (Optional)			HOME PHONE (Optional)		
CELL PHONE			CELL PHONE		
E-MAIL ADDRESS			E-MAIL ADDRESS		
PAGER & PIN NUMBER			PAGER & PIN NUMBER		
Did you participate in the Federal/State Preliminary Damage Assessment (PDA)? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Private Non-Profit Organization? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which of the facilities identified below best describe your organization? _____ Title 44 CFR, part 206.221(e) defines an eligible private non-profit facility as: "... any private non-profit educational, utility, emergency, medical or custodial care facility, including a facility for the aged or disabled, and other facility providing essential governmental type services to the general public, and such facilities on Indian reservations." "Other essential governmental service facility means museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities which provide health and safety services of a governmental nature. All such facilities must be open to the general public."					
Private Non-Profit Organizations must attach copies of their Tax Exemption Certificate and Organization Charter or By-Laws. If your organization is a school or educational facility, please attach information on accreditation or certification.					
Official Use Only: FEMA-____-DR-____-____ FIPS# _____					Date Received:

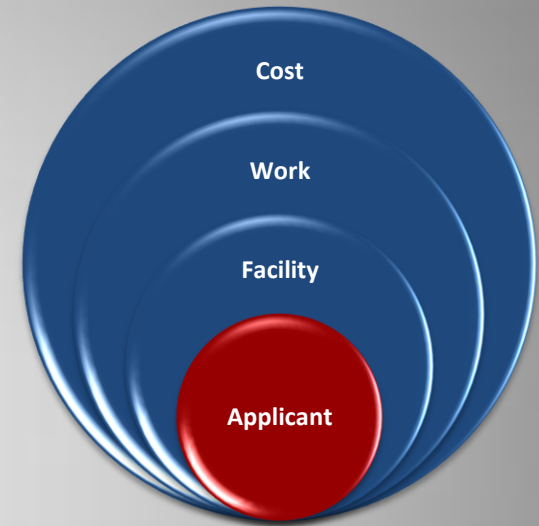
# Authorized Representative Responsibility

- Ensure submittal of the RPA to the State
- Identify and document damage
- Review Project Worksheets
- Ensure Maintenance of Project Files
- Prepare and Provide to the State required Reports
- Inspections/Audit
- Act as the Primary Point of Contact



# Eligible Applicants

- State Government Agencies
- County Governments
- Municipal Governments
- Municipal Authorities
- School Districts
- Taxing Districts
- Indian Tribes
- PNP organizations that own or operate facilities that provide certain services of a governmental nature are eligible for assistance





# Kickoff Meeting

- Introduce Applicant and FEMA/State Public Assistance Coordinators (PACs)
- Explain PA process, forms, and timelines
- Discuss Damages
  - All damages must be identified within 60 days from the date of an Applicant's Kickoff Meeting
- Assess Applicant Needs
- Answer Applicant Questions

# Role of Local Government during Project Formulation

- Identify damage/cause
  - Facility/Location
  - Estimate to repair/replace



# Project Worksheet

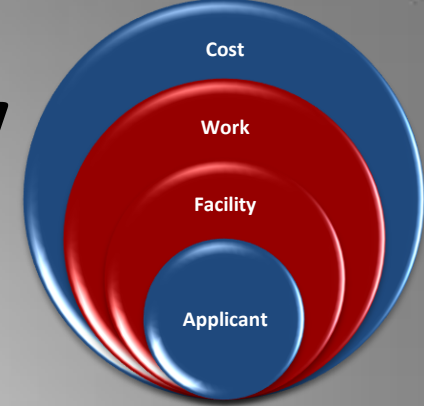
## (PW)

- Captures, Damage Description, Scope of Work and Costs to Replace/Restore Publicly Owned Facilities
- Written by FEMA and State Representatives
- Reviewed by Local, State, and FEMA Representatives

U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY PROJECT WORKSHEET				O.M.B. No. 1660-0017 Expires October 31, 2008	
<b>PAPERWORK BURDEN DISCLOSURE NOTICE</b> Public reporting burden for this form is estimated to average 90 minutes per response. Burden means the time, effort and financial resources expended by persons to generate, maintain, disclose, or to provide information to us. You may send comments regarding the burden estimate or any aspect of the collection, including suggestions for reducing the burden to: Information Collections Management, U.S. Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (OMB Control Number 1660-0017). You are not required to respond to this collection of information unless a valid OMB number appears in the upper right corner of this form. <b>NOTE: Do not send your completed questionnaire to this address.</b>					
DISASTER FEMA _____ -DR- _____	PROJECT NO.	PA ID NO.	DATE	CATEGORY	
DAMAGED FACILITY			WORK COMPLETE AS OF _____ : _____ %		
APPLICANT		COUNTY			
LOCATION			LATITUDE	LONGITUDE	
DAMAGE DESCRIPTION AND DIMENSIONS					
SCOPE OF WORK					
Does the Scope of Work change the pre-disaster conditions at the site? <input type="checkbox"/> Yes <input type="checkbox"/> No Special Considerations issues included? <input type="checkbox"/> Yes <input type="checkbox"/> No Hazard Mitigation proposal included? <input type="checkbox"/> Yes <input type="checkbox"/> No Is there insurance coverage on this facility? <input type="checkbox"/> Yes <input type="checkbox"/> No					
<b>PROJECT COST</b>					
ITEM	CODE	NARRATIVE	QUANTITY/UNIT	UNIT PRICE	COST
<b>TOTAL COST</b>					▶
PREPARED BY		TITLE		SIGNATURE	
APPLICANT REP.		TITLE		SIGNATURE	

Date: \_\_\_\_\_

# Facility and Work Eligibility



- **Damaged as a result of a declared event**
- **Located within a declared area**
- **The legal responsibility of an eligible applicant**
- **In active use at the time of the disaster**
- **Not under the authority of another federal agency (i.e. NRCS, USACE, FHWA)**

# General Types of Work

- Debris Removal
  - Category A
  - 6 months from the date of county declaration to complete the scope of work
- Emergency Protective Measures
  - Category B
  - 6 months from the date of county declaration to complete the scope of work
- Permanent Restoration
  - Category C-G
  - 18 months from the date of county declaration to complete the scope of work





# **Debris Removal Category A**

- **Eliminate immediate threat to life, health and safety**
- **Eliminate immediate threat to improved property**
- **Ensure economic recovery of the community and provide a benefit for the community at large**
- **Debris Removal on Private Property is generally not eligible**



# Emergency Protective Measures

## Category B

- Activities undertaken by a community before, during, and following a disaster to save lives, protect public health and safety, and protect improved public and private property
- Generally, those prudent actions taken by a community to warn residents, reduce the disaster damage, ensure the continuation of essential public services, and protect lives and public health and safety are eligible for assistance
- Donated Resources



# Permanent Work

## Category C-G

- Repair, restore or replace damaged facilities in accordance with regulations
- Restore to pre-disaster design, capacity and function in accordance with applicable codes and standards
- Work must be a result of the disaster
- Cost effective Hazard Mitigation measures may apply



# Roads and Bridges

## Category C

- Repair/Replacement of roads, bridges, culverts, etc.
- Federal-Aid roads, streets, and highways are not eligible for Public Assistance funding

# Water Control Facilities

## Category D

- Includes repair/replacement of:
  - Dams
  - Levees, Berms, Dikes
  - Drainage Channels
  - Shore Protective Devices
  - Pumping Facilities



\* Federal Levees are not eligible for permanent work

# Buildings and Equipment

## Category E

### Includes:

- Buildings/Contents
- Equipment (all types including vehicles)
- Less any insurance







# Utilities

## Category F

- **Repair/Replacement of disaster related damage to pre-disaster function**
  - Waste Water Treatment Plants and delivery systems
  - Power generation and distribution facilities
  - Sewage Collection Systems and treatment plants
  - Communications
- **Increases in operating expenses, even if they are a result of the disaster, are not eligible**

# Public Parks, Recreational and Other

## Category G

- Buildings, roads, utilities, etc. located in parks or in similar areas
- Playground equipment, swimming pools, tennis courts, etc. are also eligible
- Structured beaches that meet a certain criteria are eligible





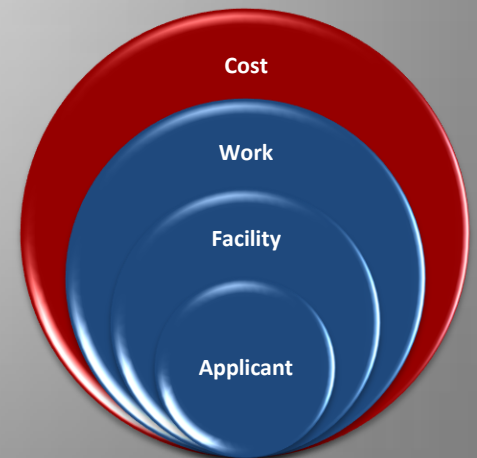
# Project Time Extensions

- Work Completion Deadlines from the date of declaration:
  - Emergency and Debris Removal – 6 Months
  - Permanent Work – 18 Months
- The State has the authority to extend emergency work (**Cat. A and B**) by six months and permanent work (**Cat. C-G**) by 30 months
- Extension requests past the State's authority will be forwarded by the State to FEMA for a determination



# General Cost Eligibility

- Reasonable and necessary cost to accomplish eligible work
- Comply with Federal, State, and local laws and regulations
- Insurance proceeds, salvage value, and purchase discounts must be deducted



# Force Account (FA) Labor

- Overtime costs are only eligible if it is an established policy to pay overtime
- Fringe Benefit Rates are eligible for reimbursement
- Only overtime is eligible for emergency work FA Labor
- Temporary hires are eligible for regular and overtime costs (must be used for disaster assistance only)
- Regular and overtime FA Labor is eligible for Permanent Work Categories

# Force Account Labor

- **Must be documented by:**
  - **Personnel Activity Report (PAR)**
    - Done by each employee
    - Must account for 100% of all hours worked during the period of time being claimed
    - Must delineate each federal activity (project) and all non-federal activities (normal job)
    - Must coincide with the employee payroll period
  - **Payroll Documentation**
    - Must account for the total payroll amount actually paid by the applicant, by employee payroll period

# **Direct Administrative Costs (DAC)**

- **To be eligible the estimated DAC must be included on the project worksheets**
- **All claimed costs must be documented to the approved project**
  - **Salary and Benefits = Personnel Activity Reports (PARs) and Payroll Records**
  - **Supplies and other costs = receipts, invoices etc.**
- **During the project grant writing process the sub-grantee can decline to include/claim DAC on a project**



# Force Account Equipment

- Equipment is eligible for regular time and overtime
- Standby time is ineligible
- Hourly costs for trucks, back-hoes, etc.
- Mileage costs for automobiles, crew cabs, etc.
- Must use FEMA cost codes or your own cost codes, whichever is less

# Materials

- Material costs are eligible
- Keep invoices and/or purchase orders
- Keep all cancelled checks
- Keep records of any material used from stock
- Regular maintenance is not eligible



# Contracts and Procurement

- Reasonable Cost
- Competitive Procurement Required, exceptions for emergency work
- Must comply with Federal, State and Local laws and regulations

# Procurement

- **Small Purchase**
  - Informal, several price quotes
- **Sealed Bids**
  - Formal, advertised, lowest responsive bidder
- **Competitive Proposals**
  - Formal, similar to bid, awarded based on contractor qualifications
  - Primarily for professional services
- **Non-Competitive Proposals**
  - Single Source, under limited circumstances
    - Competition not reasonable
  - Limited primarily to emergency work

<http://www.iowaleague.org/Downloads/Workshops/Materials/2006/BidWorkshopProgramMaterials.pdf>



# **Contract**

- **Project Approval – Award Contract – Start Repairs**
- **Do Not Use:**
  - **Debarred Contractors**
  - **Cost Plus Contracts**
  - **Contingency Contracts**
  - **Time & Materials after 70 hours**
- **Federal Contract Provisions are required within the body of the contract or as an attachment to the contract**

# Contracts

- **Acceptable**
  - Lump Sum
  - Unit Price
  - Cost Plus Fixed Fee
- **Avoid**
  - Time and Materials after the first 70 hours
- **Not Acceptable**
  - Cost Plus Percentage of Cost Contracts
  - Suspended, Debarred Contractors

# Section 406 Hazard Mitigation

- Permanent Work Projects (Cat. C-G)
- Cost-effective Hazard Mitigation; as determined by FEMA

# Section 406 Hazard Mitigation

- Suggestions:
  - Flood Relocation
  - Increase Culvert Size
  - Line Drainage Ditches
  - Elevate Roadways
  - Design bridges for greater flood magnitudes
  - Build ring-levees
  - Elevate electrical/other building components



# Improved Project

- Permanent Work Only
- Funding is limited to the Federal share of the costs that would be associated with repairing or replacing the damaged facility to pre-disaster design
- Improved project must be approved prior to beginning of work



# Alternate Project

- Permanent Work Only
- Funding is limited to 90% of the Federal Share of the eligible costs that would have been associated with the repair of the facility
- Deadline to request Alternate Project is within 12 Months of the Kickoff Meeting
- Alternate Project must be approved prior to beginning of work





# Environmental Considerations

- Will the proposed repairs or reconstruction change the pre-disaster conditions?
- In archaeological sensitive areas this can include changing the location of an electrical pole





# Historic Considerations

- Is the damaged facility on, or eligible, for listing on the National Register of Historic Places, or the State Historic Listing
- Is the structure older than 50 years?
- Any other known issues related to historic significance?





# Insurance Considerations

- Anticipated coverage is subtracted from PA funding
  - No duplication
- Must be obtained and maintained
  - On insurable facilities for which PA funding has been provided
  - Projects less than \$5,000 are exempt
- Self-insurance
  - Applies only to the State for PA purposes
- Insurance Requirements Waiver
  - State Insurance Commissioner certification required if insurance is not reasonably available

# **Special Considerations**

## **Consequences of Non-Compliance**

- **Loss of Funding/Return of Funding**
- **Delays**
- **Legal Issues**
- **Negative Publicity**

# Types of Grants

- **Small Projects**
- **Large Projects**

# Small Project

- Estimated project cost under \$63,900 (FY11 threshold)
- Federal Share (75%) paid on federal approval
- State Share (10%) paid based on actual or approved whichever is less
- Local Share (15%)
- Small Projects are closed when all of an applicant's small projects are 100% complete

# Small Project Overrun

- Applicants may appeal for a “net” small project cost overrun within 60 days of completing all small projects and the “net” is 20% or greater
- Must document all work for all small projects to receive consideration for a “net” small project cost adjustment

# Large Project

- Greater than \$63,900 (FY11 threshold); funding is based on documented actual final costs
- Federal cost share (75%)
- State cost share (10%) of final approved cost and is paid upon closeout
- Local cost share (15%)
- Large Projects are generally written and approved based on estimated costs but are closed on actual costs
- Funds must be requested by the Applicant
  - Reimbursement
  - Advances
  - Can request up to the obligated Federal share in advance of project closeout
- Subject to Federal Cash Management requirements
  - Federal funds received must be expended by the Applicant within 60 days of receipt

# **Cost Overruns: Large Projects**

**Immediately advise the State of anticipated cost overruns for each large project**

- **Cost overruns are normally a result of one or more of the following:**
  - **Variations in unit prices**
  - **Changes in the scope of eligible work**
  - **Delays in timely starts or completion of work**
- **Submit sufficient information to support the eligibility of all claimed work and costs for each large project**



# Iowa Code 455B.262A

National Flood Insurance Program (NFIP)– participation required

- Communities that have an existing Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) published by FEMA or that identifies a special flood hazard area must be a participant of the NFIP
- A sanctioned community is not eligible for the 10% state share for declared flood events
- For NFIP participation information contact the Iowa Department of Natural Resources

**\* Applies to Disasters declared after July 1, 2011**

Ken Bouma

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# Documentation



- Applicants must establish a PA Disaster Specific File. The file will contain the specific information for each project containing all documentation pertaining to each specific project by Project Worksheet #.
- Supporting documentation is required for all claimed costs
- Retain documents for all approved work, including costs incurred and claimed, for three years. The three year retention period starts on the day the Applicant submits their final project completion and certification report (P.4).

# What should be in each Project File?

- Obligated Project Printout
- Completed Special Considerations Questions Form
- Estimated and Actual Costs
- Force Account Labor Documentation
- Force Account Equipment Documentation
- Rented Equipment Invoices
- Materials and Purchases Invoices and Receipts
- Insurance Information
- Photographs of damage, work underway, work completed
- Environmental and/or historic alternatives and hazard mitigation opportunities considered for large, improved or alternate projects
- Environmental Review Documents
- Records of donated goods and services



# Audits

- **Single Audit Act:** This act requires grant recipients expending \$500,000 or more in Federal funds in a fiscal year to perform a single audit
- **DHS/FEMA Office of Inspector General Audits:**
  - Items not covered by the single audit
  - Project scope of work and related expenditures
  - Source Documentation



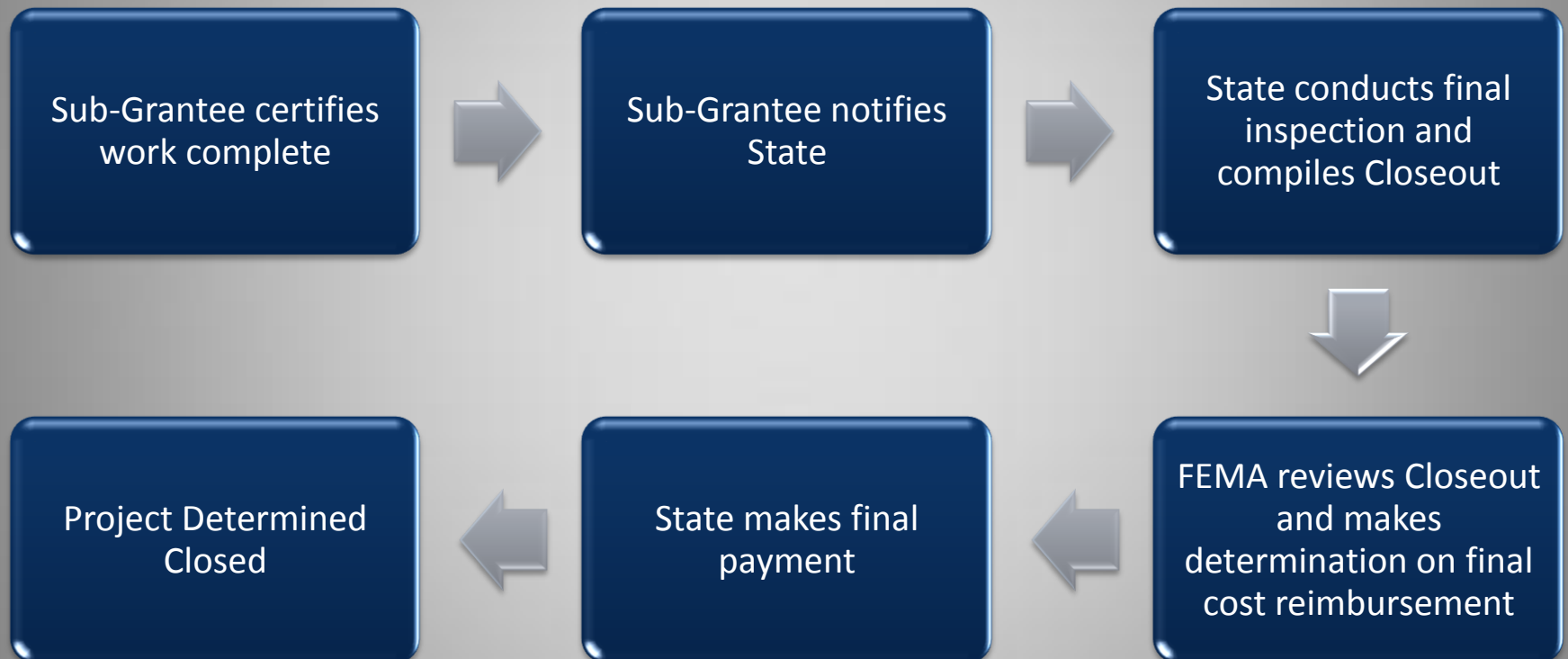
# **Representative Audit Findings**

- **Unsupported contractor costs**
- **Unsupported Force Account costs**
- **Ineligible Costs**
- **Unreasonable Costs**
- **Failed to establish a project file containing all documentation pertaining to the project**
- **Failed to keep specific source documentation, including cancelled checks, paid bills, payroll, time and attendance records, contracts, etc.**
- **Failed to maintain records that adequately identify the source and application of funds provided for financially assisted activities**
- **Failed to follow Federal procurement regulations**

# Closeout of Project Worksheets

- A final accounting
- A process for grant evaluation of:
  - Work Completed
  - Funds disbursed

# Project Closeout





# Appeals

- Applicants can appeal decisions regarding their grant
- Two Levels of Appeal:
  - 1<sup>st</sup> Appeal goes to the Regional Director
  - 2<sup>nd</sup> Appeal goes to the FEMA Headquarters
- Applicants must file an appeal with the State within 60 days of receipt of a notice of the action that is being appealed
- The State will provide a recommendation with the Applicant's appeal and forward to Region within 60 days of its receipt from the Applicant
- FEMA Region and Headquarters have 90 days from the date of receipt to take action

# References

- **Public Assistance Digest (FEMA 321)**  
<http://www.fema.gov/pdf/government/grant/pa/pdigest.pdf>
- **Public Assistance Guide (FEMA 322)**  
[http://www.fema.gov/government/grant/pa/pag07\\_t.shtm](http://www.fema.gov/government/grant/pa/pag07_t.shtm)
- **Applicant Handbook**  
[http://www.fema.gov/pdf/government/grant/pa/fema323\\_app\\_handbk.pdf](http://www.fema.gov/pdf/government/grant/pa/fema323_app_handbk.pdf)
- **44 Code of Federal Regulations (CFR)**  
[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title44/44tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title44/44tab_02.tpl)
- **Robert T. Stafford Act, as amended**  
<https://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=3564>
- **9500 Policy Series** <http://www.fema.gov/government/grant/pa/9500toc.shtm>
- [www.fema.gov](http://www.fema.gov)
- [www.iowahomelandsecurity.org](http://www.iowahomelandsecurity.org)

# Points of Contact

- **HSEMD Main Line**
  - Phone (515) 725-3231
  - Fax (515) 725-3260
- **Public Assistance Main Line**
  - Phone (515) 224-5718
  - Fax (515) 224-5664